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## BOOK REVIEWS.

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**HANDBOOK OF EQUITY JURISPRUDENCE.** By JAMES W. EATON, of the Albany Bar, Professor of Law in the Albany Law School and Lecturer in the Boston University School of Law. St. Paul, Minn.: West Publishing Company. 1901.

The development of new fields of equity jurisprudence and the expansion of equitable principles and doctrines to fit the cases arising therein would seem to require that a satisfactory text-book on the subject should be a general discussion, necessarily lengthy, of the basic principles and the leading cases with the various phases and qualifications produced by modern decisions and legislation. But to the active practitioner who lacks the time to pursue such an exhaustive course of reading, such a summary as this handbook presents will be invaluable.

There is no need to describe the dress of one of the Hornbook Series; nor is it possible to give an outline of what is itself but an outline of the whole subject. At first thought, it would seem impracticable to state and explain the leading principles of equity, within the usual limits of this series. But in fact, the subject is admirably adapted to the treatment of the Hornbook method. After all what we really want from a text-book is a statement of the very latest principles, and in this volume we find them concisely and conveniently arranged at the beginning of each section, supplemented with brief commentary and explanation. If it is desired to go beyond this and to trace the development of modern doctrines, their meaning and application, it is only necessary to turn to the foot-notes, which are more copious than in the other books of this series and contain citations of the latest leading cases.

Comparatively little space has been devoted to such important and well-known instances of the exercise of equity jurisdiction as Specific Performance; Trust Property, and Grounds of Equitable Relief, Fraud, etc. In treating these subjects, there is given a concise statement of the elementary principles illustrated by citation of authorities. To the "Maxims," however, there is devoted a rather larger space than seems necessary in such a work, especially in view of the fact that in these days a maxim itself or its application is denied to be, or at best is considered not so much as a cause of, equitable doctrine or decision, as it is a convenient way of expressing broad principles of equity which may give way in any particular case to others of more importance.

But it is dealing with those subjects of less frequent occurrence on the border lines of equity that this book is extremely helpful. A lawyer's knowledge along these lines is often limited. Short sections of this book clear up in a brief and convincing manner the obscurity which surrounds this subject in the minds of many practitioners and in not a few text-books. To the student who desires to know the principles by which modern courts are governed in the decision of cases arising in a most important and yet volatile subject of the law, we unreservedly commend Mr. Eaton's work. It is a valuable legacy to the profession, and crowns the achievements of an honored and useful life.

*T. I. P.*

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**FEDERAL EQUITY PROCEDURE.** By C. L. BATES. Two Volumes. Chicago: T. H. Flood & Co. 1901.

We walk through a completed building, and admire its plan and the arrangement and decoration of its hall and rooms, but we fail to consider the hours of thought and labor of its architect, the careful calculations and patient oversight of its builder, and the steady work and skill of the mechanics who have laid the stones and the bricks, one by one, and have fitted the lumber, piece by piece, and driven the nails, each by itself.

With similar lack of appreciation we open a book which is, as the author of the above volumes tells us, "the result of ten years unremitting labor," and praise it as a whole or consult separate chapters at our ease without due regard to the thought and study expended upon its composition.

In practice, pleading and forms and modes of proceeding the circuit and district courts of the United States in civil causes conform to the procedure in the courts of record of the state in which such Federal Courts are held; but the remedies in equity are not administered according to state procedure, being governed by the established practice of England as modified by acts of Congress, and by rules prescribed by the courts, primarily by the Supreme Court.

This jurisdiction in equity "is derived from and defined by the Constitution and laws of the United States." Uniformity in all the courts is intended.

It is, therefore, interesting to examine a system that so far has escaped the clippers of the modern legal tonsorial person, on the one hand, and of the crude makers of code millinery, on the other, and to study rules and forms of practice which have stood so long a test, and which prevail over so large a